

# **Council Communication**

TO:

HONORABLE MAYOR AND COUNCILMEMBERS

FROM:

TOM CONDIT, P.E., DEVELOPMENT ENGINEER, 480-503-6815

THROUGH:

MIKE GILLESPIE, P.E., TOWN ENGINEER

KYLE MIERAS, DEVELOPMENT SERVICES DIRECTOR

MARC SKOCYPEC, DEPUTY TOWN MANAGER

**MEETING DATE:** 

**AUGUST 1, 2013** 

**SUBJECT:** 

APPROVAL OF NEW STREET LIGHT IMPROVEMENT DISTRICT NO.

13-10 FOR THE BRIDGES EAST, PARCEL 3-5.

STRATEGIC INITIATIVE:

Community Livability

This project supports Gilbert's Community Livability Strategic Initiative as it enhances the safety and livability of the community by providing a mechanism to operate street lights within this subdivision.

LEGAL REVIEW

FINANCIAL REVIEW

**▼** Complete

**▽** Complete

N/A

□ N/A

# RECOMMENDED MOTION

A MOTION TO ADOPT A RESOLUTION CREATING STREETLIGHT IMPROVEMENT DISTRICT NO. 13-10 FOR THE BRIDGES EAST, PARCEL 3-5 AND ORDERING THE IMPROVEMENTS.

## **BACKGROUND/DISCUSSION**

On June 28, 2012, the Town Council approved the final plat for the Bridges East, Parcel 3-5 subdivision. As part of the final platting process and as required in the Land Development Code, Chapter III, Article 1.1, Section 1.107H., a petition was presented to the Town by the developer to form a Street Light Improvement District (SLID) for this subdivision.

A SLID is a special taxing district authorized by State statute to pay for the operation of street lights within residential subdivisions by means of a secondary tax on the properties located within the SLID boundaries. Construction costs associated with the street lights, including material and installation costs, are borne by the subdivision developer.

Town staff has reviewed the petition and has verified that it contains the signatures of all (100%) of the real property owners within the proposed SLID, exclusive of mortgages and other lien holders.

The Resolution was reviewed for form by Town Attorney Phyllis Smiley.

## FINANCIAL IMPACT

The improvement district will pay for the cost of purchasing energy for street lighting using funds raised by the levy and collection of ad valorem taxes on all real and personal property within the district. The Town will be responsible for the maintenance and repair of the street lights within this improvement district as part of the Public Works Street Lights Maintenance budget.

The financial impact was reviewed by Cris Parisot, in the Office of Management and Budget.

## **STAFF RECOMMENDATION**

Staff has reviewed the petition and supporting documents and recommends approval of Street Light Improvement District No. 13-10, The Bridges East, Parcel 3-5.

Respectfully submitted,

Tom Condit, P.E.

**Development Engineer** 

tom.condit@gilbertaz.gov

Attachments and Enclosures:

Resolution including Exhibits A and B

Copy of Final Plat

## **RESOLUTION NO.**

A RESOLUTION OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, DECLARING ITS IN-TENTION TO ESTABLISH AN IMPROVEMENT DISTRICT TO PURCHASE ENERGY TO LIGHT THE PUBLIC STREETS AND PARKS IN THAT CERTAIN AREA WITHIN THE CORPORATE LIMITS OF THE TOWN OF GILBERT, ARIZONA, TO BE KNOWN AS "TOWN OF GILBERT, ARIZONA, STREET LIGHT IMPROVEMENT DISTRICT NO. 13-10, THE BRIDGES EAST, PARCEL 3-5" AS DESCRIBED IN EXHIBIT A, ATTACHED HERETO; DECLARING SUCH IMPROVEMENTS TO BE OF MORE THAN LOCAL **ORDINARY PUBLIC BENEFIT:** OR PROVIDING THAT THE EXPENSES THEREOF BE PAID FOR BY THE LEVY AND COLLECTION OF AD VALOREM TAXES UPON THE ASSESSED VALUATION OF ALL REAL AND PERSONAL PROPERTY IN THE DISTRICT; AND ORDERING THAT SUCH IMPROVEMENTS BE PROVIDED FOR UNDER THE PROVISIONS OF SECTION 48-572, ARIZONA REVISED STATUTES, AS AMENDED; AND REPEAL OF **CONFLICTING PROVIDING** FOR RESOLUTIONS

WHEREAS, the owners, exclusive of mortgagees and other lienholders, of all of the real property (hereinafter referred to as "Petitioner") in the hereinafter described District, acting pursuant to the provisions of Sections 48-615 and 48-617, Arizona Revised Statues, petitioned the Mayor and Council of the TOWN OF GILBERT, Arizona (hereinafter referred to as "Town") to adopt a resolution of intention (hereinafter referred to as "Resolution") ordering the purchase of energy for lighting the public streets and parks (hereinafter referred to as "Improvements") for the real property legally described in **Exhibit A** (hereinafter referred to as "District") with such boundaries as shown in the map in **Exhibit B**, attached hereto; and

WHEREAS, the Town verified that Petitioner is the owner, exclusive of mortgagees and other lienholders, of all of the real property included within the boundaries of the District; and

WHEREAS, the Common Council of the Town hereby find and determine that it has jurisdiction to adopt this Resolution to order the Improvements pursuant to Section 48-576, Arizona Revised Statutes, and, pursuant to the provisions of Sections 48-615 and 48-617, Arizona Revised Statutes, it has immediate jurisdiction to adopt this Resolution ordering the Improvements without the necessity of publication and posting of this Resolution as provided for in Section 48-578, Arizona Revised Statutes;

- NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, that:
- Section 1. The Town, after verifying ownership of the real property included within the boundaries of the District, hereby finds that Petitioner is the owner, exclusive of mortgagees and other lienholders, of all of the real property included within the boundaries of the District.
- Section 2. The name of the District shall be "TOWN OF GILBERT, ARIZONA, STREET LIGHT IMPROVEMENT DISTRICT NO. 13-10, THE BRIDGES EAST, PARCEL 3-5."
- Section 3. The District is formed, and shall exist, pursuant to the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, and Section 48-616, Arizona Revised Statutes.
- Section 4. The public interest or convenience requires, and it is the intention of the Common Council of the Town to order the Improvement as described above.
- Section 5. In the opinion of the Common Council of the Town, the Improvement is of more than local or ordinary public benefit and is of special benefit to the respective lots, pieces and parcels of real property in the District.
- Section 6. The Common Council of the Town hereby make and order the expense of the Improvement payable from the levying and collection of ad valorem taxes upon the assessed value of all real and personal property in the District. Said District, is legally described on **Exhibit A** attached hereto with the boundaries as shown in the map in **Exhibit B** attached hereto. Any public street or alley within the District shall be omitted from the assessment. Any lot belonging to the United States, the State, a county, city, school district or political subdivision or institution of the state or county within the District shall be omitted from the assessment.
- Section 7. Pursuant to Sections 48-615(A) and 48-617(A), Arizona Revised Statutes, the resolution ordering the improvement shall be adopted without the necessity of publication and posting of the resolution of intention provided for in Section 48-578.
- Section 8. The Common Council of the Town shall make annual statements and estimates of the expenses of the District; shall publish notice thereof; shall have hearings thereon; and shall adopt them at the times and in the manner provided for incorporated cities and towns by the applicable portions of Sections 42-17101 et seq., 42-17151, 42-17152, Arizona Revised Statutes. Said expenses shall be provided for by the levy and collection of ad valorem taxes upon the assessed value of all the real and personal property in the district. The Common Council of the Town shall, on or before the third Monday in August of each year, fix, levy and assess the amount to be raised by

ad valorem taxes upon all of the property of the district and collect, as Maricopa County, Arizona (the "County") taxes are collected, the amounts shown by the statements and estimates as adopted by the Common Council of the Town. All statutes providing for the levy and collection of State of Arizona and County taxes, including the collection of delinquent taxes and sale of property for nonpayment of taxes, shall be applicable to District taxes as provided to be levied under Section 48-616, Arizona Revised Statutes.

Section 9. The District shall not be authorized to issue bonds and no assessment for District purposes against the property within the District shall exceed One Dollar and Twenty Cents (\$1.20) per one hundred dollars of assessed valuation thereof in any year.

Section 10. The District shall not be authorized to engage in any activity other than as provided in Section 48-616, Arizona Revised Statutes, i.e., contracting for and purchasing energy for street and public park lighting.

Section 11. The formation of the District shall not prevent the subsequent establishment of improvement districts for any other purpose authorized by law, including improvement districts for the purpose of constructing street lighting facilities within any part or all of the same territory as the District.

Section 12. The type of lighting facilities to be installed in the District and the locations thereof shall consist of those lighting facilities and locations described in the petition submitted by Petitioner, or as may be approved by the Town.

Section 13. The rate to be paid for purchasing energy for the District shall be the rate described in the petition submitted by Petitioner, or as may be approved by Salt River Project, Arizona Public Service Company, or other energy provider.

<u>Section 14</u>. Any resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.

PASSED, ADOPTED, AND APPROVED by the Mayor and Council, of the TOWN OF GILBERT, Arizona, this 1<sup>st</sup> day of August, 2013.

John W. Lewis, Mayor TOWN OF GILBERT, Arizona

ATTEST:

Catherine A. Templeton, CMC, Town Clerk TOWN OF GILBERT, Arizona

**REVIEWED BY:** 

Mike Gillespie, Town Engineer TOWN OF GILBERT, Arizona

APPROVED AS TO FORM:

Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C. Town Attorney, TOWN OF GILBERT, Arizona

The following exhibits are attached hereto and incorporated herein:

- A. Legal description
- B. Map of the boundaries of the District

# EXHIBIT "A" THE BRIDGES EAST PARCEL 3-5 S.L.I.D. BOUNDARY LEGAL DESCRIPTION

That portion of the Southeast quarter of Section 14, Township 2 South, Range 6 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

**COMMENCING** at a found 3-1/2 inch aluminum cap accepted as the southeast corner of said Section 14 from which a found 3 inch Town of Gilbert brass cap in hand hole accepted as the northeast corner thereof bears North 00 degrees 16 minutes 16 seconds East a distance of 5,339.06 feet;

Thence along the east line of said Southeast quarter, North 00 degrees 16 minutes 16 seconds East a distance of 935.69 feet;

Thence leaving said east line, North 89 degrees 43 minutes 44 seconds West a distance of 1.487.94 feet to the **POINT OF BEGINNING**;

Thence South 69 degrees 19 minutes 07 seconds West a distance of 183.44 feet;

Thence South 84 degrees 09 minutes 44 seconds West a distance of 452.89 feet;

Thence North 88 degrees 59 minutes 27 seconds West a distance of 550.43 feet to the north-south mid-section line of said Section 14;

Thence along said north-south mid-section line, North 00 degrees 39 minutes 10 seconds East a distance of 848.44 feet;

Thence leaving said north-south mid-section line, South 89 degrees 20 minutes 50 seconds East a distance of 533.41 feet;

Thence North 89 degrees 21 minutes 40 seconds East a distance of 60.64 feet;

Thence South 86 degrees 10 minutes 58 seconds East a distance of 40.59 feet;

Thence South 88 degrees 37 minutes 27 seconds East a distance of 120.00 feet;

Thence South 01 degrees 22 minutes 33 seconds West a distance of 5.00 feet;

Thence South 88 degrees 37 minutes 27 seconds East a distance of 62.14 feet;

Thence North 63 degrees 34 minutes 29 seconds East a distance of 110.23 feet;

Thence South 84 degrees 18 minutes 57 seconds East a distance of 96.72 feet to the beginning of a non-tangent curve concave easterly having a radius of 1,250.00 feet the center of which bears South 84 degrees 18 minutes 57 seconds East;

Thence southerly along said curve through a central angle of 26 degrees 21 minutes 56 seconds an arc length of 575.21 feet;

Thence South 20 degrees 40 minutes 53 seconds East a distance of 218.01 feet to the **POINT OF BEGINNING.** 

This description shown hereon is not to be used to violate subdivision regulation of the state, county and/or municipality or any other land division restrictions.

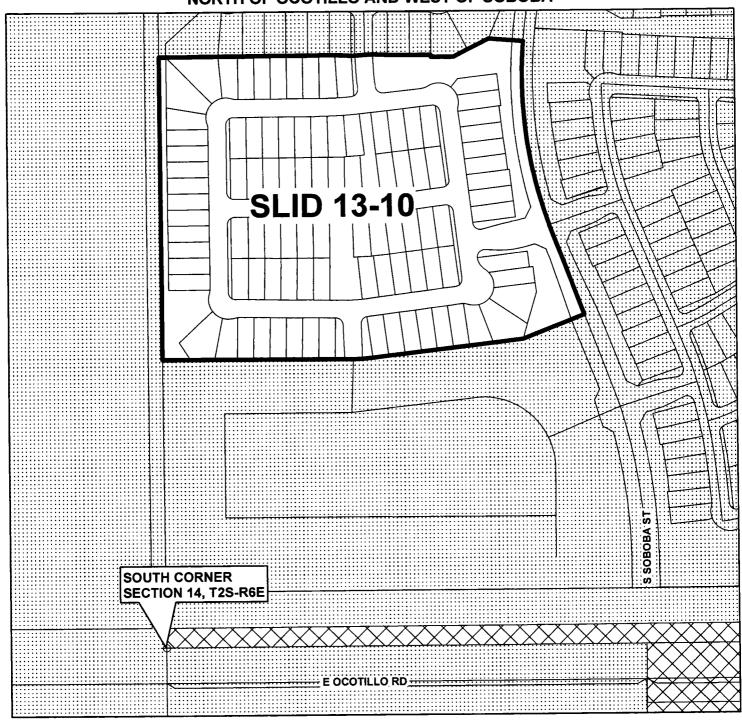
The above described parcel contains 892,714 Square Feet (20.4939 acres) more or less.

Prepared by: HilgartWilson

1661 East Camelback Road

Suite 275 Phoenix, AZ Job No. 1127 March 27, 2013

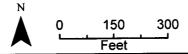
# STREET LIGHT IMPROVEMENT DISTRICT 13-10: NORTH OF OCOTILLO AND WEST OF SOBOBA



A portion of the SE quarter of Section 14, T2S, R6E of the Gila and Salt River Base and Meridian Maricopa County, Arizona.

A Map showing the individual Assessment numbers and parcels cannot be produced which fits the size and margin requirements for recording with the Maricopa County Recorder's Office. Thus, a copy of said map is on file with the Town of Gilbert, 90 E. Civic Center Drive, Gilbert, Arizona, Engineering Department. File #1-957 and Maricopa County Recorder at Book 1122, Page 50, Maricopa County Recording Number 1122-50.





# CERTIFICATION

passed and adopted by the Mayor and Council of	
meeting held on August 1, 2013, that the vote thereon was ayes, nays, and that the Mayor and Council members were present thereat.	
	therine A. Templeton, CMC, Town Clerk OWN OF GILBERT, Arizona
I, CATHERINE A. TEMPLETON, DO HER CORRECT COPY OF RESOLUTION NO GILBERT COMMON COUNCIL ON THE POSTED IN FOUR PLACES ON THE	ADOPTED BY THE TOWN OF 1 <sup>ST</sup> DAY OF AUGUST, 2013, WAS
	•
Catherine A. Templeton, CMC, Town Clerk	

OFFICIAL RECORDS OF MARICOPA COUNTY RECORDER BELEN PURCELL 20120792655 09/04/2012 10:16 BOOK 1122 PAGE 50 ELECTRONIC RECORDING

Gilbert1216-4-1-1-Mchagollaj

# FINAL PLAT

# THE BRIDGES EAST - PARCEL 3-5

GILBERT, ARIZONA

A PLANNED AREA DEVELOPMENT THIS PLAT BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 6 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

BASIS OF BEARING IS S0018'16"W ALONG THE EAST LINE OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 6 EAST OF THE GLA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

TOWN OF QUEERT IS NOT RESPONSIBLE FOR AND WILL NOT ACCEPT WANTENANCE OF ANY PRIVATE STREETS, PRIVATE UTILIES, PRIVATE FROQUES AND LANGSAPED AREAS, ETC., WITHIN THE PROJECT PRIVATE STREETS, PRIVATE UTILIES, PRIVATE TREADLES AND LANSSAPED AREAS SHALL BE OWNED AND WANTAINED BY THE BRIDGES AT QUEERT COMMAINTY ASSOCIATION.

CONSTRUCTION WITHIN PUBLIC UTBLITY EASEMENTS, EXCEPT BY PUBLIC ACENCES AND UTBLITY COMPANES SHALL BE UNITED TO UTBLITES, AND WOOD, WER OR REMOVABLE SECTION TYPE FENCING UNLESS APPROVED OTHERMORES BY THE, TOWN OF GLEBERT.

A 1/2" REBAR WITH CAP WILL BE SET AT EACH SUBDIVISION CORNER, RIGHT-OF-WAY CORNER, AND TRACT CORNER UNLESS SHOWN OTHERWISE HEREON.

NO STRUCTURES SHALL BE CONSTRUCTED IN OR ACROSS NOR SHALL OTHER IMPROVEMENTS OF ALTERATIONS BY MADE TO THE ORNINACE FACILITIES THAT ARE A PART OF THIS DEVELOPMENT WITHOUT WRITEN AUTHORIZATION OF THE TOWN OF GLIBERY.

ALL RETENTION BASINS MUST DRAIN ANY STORM EVENT UP TO AND INCLUDING THE 50-YEAR, 24-HOUR STORM WITHIN 38 HOURS. OWNER(S) OF ANY BASIN FALING TO MEET THIS REQUIREMENT MUST TAKE CORRECTIVE ACTION TO BRING THE BASIN INTO COMPULANCE.

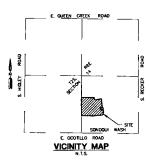
THIS DEVELOPMENT IS LOCATED WITHIN THE TOWN OF GLEERT WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAWING AN ASSURED WATER SUPPLY IN ACCORDANCE WITH A.R.S. 45–576.

ALL DRYMELLS SHOWN ON THIS PROJECT SHALL BE WANTAINED BY THE BRIDGES AT GLEERT COMMAINTY ASSOCIATION AND ARE TO BE REPLACED BY THE BROCKS AT GLEERT COMMAINTY ASSOCIATION WHICH THEY CEASE TO DRAIN THE SURFACE WATER IN A 38 HOUR PRESON REGULAR MANIEUMANC OF THE DRYMELL SITING CHAMBER IS REQUIRED TO ACREVE THE BEST OPERATION OF

10. THIS SITE LIES IN SHADED FLOOD ZONE X PER FIRM MAP NUMBER 04013/25804, DATED SEPTEMBER 30, 2005. SHADED ZONE X IS DESCRIBED AS AREAS OF 0.2% ANNUAL CHANCE FLOOD. AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE. AND AREAS PROTICEDED BY LEYES FROM 1% ANNUAL CHANCE FLOOD. 11. ALL BUILDING SETBACKS SHALL COMPLY WITH COUNCIL ORDINANCE NO. 2361, AS AMENDED.

B. ALL PROPERTES PLATTED HEREON ARE SUBJECT TO AN ANNUAL STREET LIGHT IMPROVEMENT DISTRICT ASSESSMENT.

4. ELECTRICAL UNES SHALL BE CONSTRUCTED UNDERGROUND AS REQUIRED BY THE ARIZONA CORPORATION COMMISSION.



#### DEDICATION

COUNTY OF MARICOPA SS STATE OF ARIZONA

KNOW ALL MEN BY THESE PRESENTS:

THAT BRDCS SOUTH, IP, DOTS HERBY PLEUSH THIS PLAT AS THE FINAL PLAT OF THE FRIDGES EAST — PARCE, 3-5, LOCATED IN A PORTION OF THE SOUTHEAST QUARTER OF SCILION IN, TOWNESP 2 SOUTH PRIVING PARCE OF THE QUAR AND SALT RIFME WITHIN, WARDON A COUNTY, ARZONA OWNER DOCLARES THAT IS AND PLAT SETS FORTH THE LOCATION AND OWES THE DIRECTION OF THE THAT AND THAT A HOUR THAT EACH OF STREET AND TRACT SHALL BE KNOWN BY THE NUMBER, NAME AND/OR LETTER OVEN TO EACH RESPECTIVELY. OWNER HERBEY DIDCALTS TO THE TOWN OF QUEENT THE STREETS AS SOUND ON THE PLAT AND THOSE OTHER AREAS DESIGNATED ON THE PLAT FOR THOSE OTHER THAT AND THOSE OTHER PLAT SHALL BE SELECTIVELY.

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OWNER WARRANTS AND REPRESENTS TO THE TOWN OF GLEERT TO BE THE SOLE OWNER OF THE PROPERTY COMERD HERBEY AND THAT EXPIR LEDGER, EASEMENT HOLDER, OR OTHER PERSON, OR DRITT, HANDER, OR OTHER THE THAT HE LAND ADMERSTED OR INCRESSITE WITH THE GEOGRAPICS, COMEYWARDS, OR OTHER REAL PROPERTY WITHERST OFFICIAL OR TRANSPORTED BY THIS PLAT HAS COMENDED TO, OR JOHOR IN THE PLAT, AS TRUSTEDED BY INSTRUMENTS WHO! ARE EXCORDED WITH THE MARKOPA COUNTY RECORDEDS FINES, OFFICIAL OR WHICH OWNER WILL RECORD NOT LATER THAN THE DATE OF HOLD THIS PLAT IS RECORDED.

IN WINESS WEEREOF: THE BRIDGES SOUTH, UP, AS OWNER, HAS HERELAITO CAUSED ITS NAME TO BE AFRIED AND THE SAME TO BE AFRESTED BY THE SIGNATURE OF THE OFFICER USTED BELOW. THEREINTO DULY AUTHORIZED.

DONE AT GLBERT, ARIZONA, THIS 10th DAY OF ATVOLUST THE Authorized Signer

#### ACKNOWLEDGMENT

STATE OF ARIZONA

ON THIS 10th DAY OF AUDUST , 2012, BEFORE ME, THE UNDERSIGNED PERSONALLY APPEARED MICHAEL K. TESDERGEY WHO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES HEREN CONTAINED BY SIGNING HIS NAME.

MY COMMISSION EXPIRES 6/28/15

### **APPROVALS**

APPROVED BY:

## LEGEND

17 ADEA IS 704 218 SE OR 18 2377 ACRES MORE LESS

BASIS OF BEARING

NOTES:

SET CORNER OF THIS PLAT (PER M.A.G. DTL, 120, TYPE C) FOUND MONUMENT AS NOTED

FOUND BRASS CAP IN HAND HOLE SET BRASS CAP FLUSH PER MAG STD. DTL. 120-1 TYPE B

CURVE TABLE NUMBER LINE TARLE NUMBER PUBLIC UTILITY EASEMENT RICHT-OF-WAY

REGISTERED LAND SURVEYOR 33'x33' SIGHT VISIBILITY TRIANGLE ROLINDARY LINE --- - RIGHT-OF-WAY LINE (R/W)

---- EASEMENT LINE 

VE-1 3' HIGH VISIBILITY RESTRICTION (TYP)

noie: Detail Pertains to all Local To Local Intersections

OWNER/DEVELOPER

BRIDGES SOUTH, LP 3820 W. HAPPY VALLEY ROAD (141-246 G.DNOALE, AZ 85310

ENGINEER/SURVEYOR-

HIGARTHILSON 1661 E. CAMELBACK ROAD, STE 275 PHOENX, ARZONA BS016 PHONE: (602) 490–0535 FAX: (602) 325–0181

**BOUNDARY CORNER NOTIFICATION** 

EQUINDANT LUMINEM NULL PLATION

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#### LAND SURVEYOR CERTIFICATION

I, MONDE, I, SYTON, HERBY CORTRY THAT I AM A REGISTERD LIND SURVEYOR IN THE STATE OF ARZONA. THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE UNKERN MY DIRECTION DEPOSIT RESIDENCY OF THE AND COREST AS SHOWN MAD LIMITED AND COREST OF MALE SET AS SHOWN THAT SAD MORARMIS AND APPROXY TO EMBLE HE SURVEY TO BE RETRACED.



Y.
MCHAEL J. SEXTON
R.S.J. 23.385
R.S.J. 23.

MORE: ARS. 37-151 STATES THAT THE USE OF THE WORD "CERTIFY" OR "CERTIFICATION" BY A PERSON OR FIRM THAT IS REGISTRED OR CERTIFICED BY THE BOAND IS AN EXPRESSION OF PROTESSIONAL OPIGION RECARDING FACTS OR FINDINGS THAT ME SUBJECT OF THE CERTIFICATION AND DOES NOT CONSTITUTE AN EXPRESS OR IMPROVED WARRANTY OF

SHEET INDEX

COVER SHEET, VICINITY MAP, NOTES, DETAILS AND LEGEND

FINAL PLAT

KEY MAP, LOT AREA TABLE, TRACT AREA TABLE, AND LEGAL DESCRIPTION

COUNTY RECORDER

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artwilson

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PARCEL 10 ROAD

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BRIDGES F RECKER ROA

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Q.

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